

# SINHA LAW

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1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.791.0432 (voice)  
[www.sinha-law.com](http://www.sinha-law.com)

December 13, 2017

Via email

Sean Hungerford  
Harrison, Temblador, Hungerford & Johnson LLP  
2801 T Street  
Sacramento, CA  
Email: [shungerford@hthjlaw.com](mailto:shungerford@hthjlaw.com)

*JAN 02 2018*

Via US Mail

Lawyers Incorporating Service  
Agent for Service of Process for CalMat Co.  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, CA 95833

Cesar Aranda  
Western Division Environmental Manager  
Vulcan Materials Company  
11599 Old Friant Road  
Fresno, CA 93730

Brock Lodge  
President, Western Division  
Vulcan Materials Company  
500 North Brand Boulevard  
Glendale, CA 91203-1923

Jerry F. Perkins, Jr  
General Counsel  
Vulcan Materials Company  
1200 Urban Center Drive  
Birmingham, AL 35242

**Re: 60-Day Notice of Violations and Intent to File Suit Under the Federal Water  
Pollution Control Act ("Clean Water Act")**

To Officers, Directors, Operators, Property Owners and/or Facility Managers of; the twenty-three (23) CalMat Co., dba Vulcan Materials Company facilities; the three (3) Vulcan Materials Company facilities and; (3) the two (2) CalMat Co., dba Shamrock facilities, listed in Exhibit A, attached hereto and incorporated herein by reference:

The California Environmental Protection Association (“CEPA”) provides this 60-day Notice of violations of the Federal Clean Water Act (“CWA” or “Act”) 33 U.S.C. § 1251 *et seq.*, that CEPA believes are occurring at the CalMat Co, dba Vulcan Materials Company, the Vulcan Materials Company, and the CalMat Co., dba Shamrock facilities (“the Facilities” or “the sites”) listed in Exhibit A attached to this 60-day Notice of violations (“Notice”). Pursuant to CWA §505(b) (33 U.S.C. §1365(a)), this Notice is being sent to you as the responsible property owners, officers, operators or managers of the Facility, as well as to the U.S. Environmental Protection Agency (“EPA”), the U.S. Attorney General, the California State Water Resources Control Board (“SWRCB”), and the respective California Regional Water Quality Control Boards (“RWQCB”).

CEPA is an environmental citizen’s group established under the laws of the State of California to protect, enhance, and assist in the restoration of all rivers, creeks, streams, wetlands, vernal pools, and tributaries of California.

This Notice addresses the violations of the CWA and the terms of California’s Statewide General Permit for Dischargers of Storm Water for Industrial Activities (“General Permit”) arising from the unlawful discharge of pollutants from the Facilities listed in Exhibit A into waters of the United States.

CalMat Co., dba Vulcan Materials, Inc., Vulcan Materials Company, and CalMat Co., dba Shamrock, (the “Discharger” or “Dischargers”) is hereby placed on formal notice by CEPA that after the expiration of sixty (60) days from the date this Notice was delivered, CEPA will be entitled to bring suit in the United States District Court against the Discharger for continuing violations of an effluent standard or limitation, National Pollutant Discharge Elimination System (“NPDES”) permit condition or requirement, or Federal or State Order issued under the CWA (in particular, but not limited to, § 301(a), § 402(p), and § 505(a)(1)), as well as the failure to comply with requirements set forth in the Code of Federal Regulations and the RWQCB Water Quality Control Plan or “Basin Plan”.

## **I. THE SPECIFIC STANDARD, LIMITATION, OR ORDER VIOLATED**

The Discharger filed Notice of Intent (“NOI”) with respect to the Facilities, agreeing to comply with the terms and conditions of the General Permit. The SWRCB approved the NOIs, and the Discharger was assigned its respective Waste Discharger Identification (“WDID”) numbers, as listed on Exhibit A, attached hereto.

However, in its operations of the Facilities, the Discharger has failed and is failing to comply with specific terms and conditions of the General Permit as described in Section II below and Exhibit A, attached hereto. These violations are continuing in nature. Violations of the General Permit are violations of the CWA, specifically CWA § 301(a) and CWA § 402(p). Therefore, the Discharger has committed ongoing violations of the substantive and procedural requirements of CWA § 402(p) and of NPDES Permit No. CAS000001, State Water Resources Control Board Order 2014-0057-DWQ (the “General Permit”) and State Water Resources Control Board Order 1997-003-DWQ (the “1997 General Permit”) relating to industrial activities at the Facility.

## **II. VIOLATIONS OF THE CLEAN WATER ACT AND GENERAL PERMIT**

### **A. Facility Operations**

The CalMat Co., dba Vulcan Materials Company’s, the Vulcan Materials Company’s, and the CalMat Co., dba Shamrock’s facility operations and Standard Industrial Classification (SIC) Codes are listed by Facility in Exhibit A, attached hereto.

Site operations take place primarily outdoors on sites that slope towards storm drains which eventually enter the navigable waters of the United States.

### **B. The Discharger’s Specific Violations**

**ITEM NUMBERS CORRESPOND TO “NOI ITEM #” COLUMN IN EXHIBIT A**

*NOI Item 1. Failure to Timely Apply for Permit Coverage*

**[Applicable to the following sites: Landing Way Distribution Facility and Petaluma Plant]**

The Discharger failed to timely apply for coverage under the General Permit by March 20, 2017, in violation of Sections II.B.1, II.C.1, II.C.2, and XXI.A of the Permit.

Dischargers which discharge storm water associated with industrial activity to waters of the United States are required to obtain a General Permit and meet all applicable requirements of this General Permit. When ownership changes, the prior Discharger (seller) must inform the new Discharger (buyer) of the General Permit applications and regulatory coverage requirements. The new Discharger must certify and submit new Permit Registration Documents (“PRDs”) via the Storm Water Multiple Application and Report Tracking System database (“SMARTS”) to obtain coverage under this General Permit no later than seven (7) days before commencement of operations. Should the new Discharger fail to do so, all subsequent discharges are in violation of the Clean Water Act.

On March 20, 2017, CalMat Co., a Vulcan Materials Company subsidiary, officially purchased Shamrock Materials Incorporated, including the Landing Way Distribution Facility and the Petaluma Plant. CalMat Co., continued to operate the Shamrock businesses without any period of suspension of operations as “CalMat Co., dba Shamrock Materials, Incorporated.” However, CalMat Co. waited until September 13, 2017, to file applications for Permit Coverage for the Facilities. Thus, from the time of its purchase of the Facilities on March 20, 2017, until September 13, 2017, CalMat Co., operated the Facilities without filing a Notice of Intent to obtain coverage under the General Permit.

Furthermore, CalMat Co., failed to develop a compliant monitoring program within seven days prior to commencing operations at the Facilities, which constitutes an additional failure to comply with the regulations of the General Permit.

*NOI Item 2. Failure to File a Storm Water Pollution Prevention Plan (“SWPPP”)*

*[Applicable to the following sites: **Landing Way Distribution Facility and Petaluma Plant**]*

Pursuant to Section X.A of the General Permit, the Discharger is required to develop a site-specific SWPPP in accordance with Section X of the Permit. The SWPPP must include the information needed to demonstrate compliance with the requirements of the General Permit. The SWPPP must be submitted electronically via SMARTS, and a copy must be kept at the Facility. SWPPP revisions are to be completed in accordance with Section X.B of the General Permit.

During the period March 20, 2017, through September 13, 2017, the Discharger operated without a SWPPP.

*NOI Item 3. Failure to File Annual Report*

*[Applicable to the following sites: **Landing Way Distribution Facility and Petaluma Plant**]*

Pursuant to Section XVI.A of the General Permit, all Dischargers must certify and submit via SMARTS an Annual Report no later than July 15th following each reporting year [July 1 through June 30 of each year], using the standardized format and checklists contained within the SMARTS database system.

Pursuant to Section XVI.B of the General Permit, the Annual Report must contain the following elements: (a) a Compliance Checklist that indicates whether the Discharger has complied with and addressed all applicable requirements of the General Permit; (b) an explanation for any non-compliance with requirements within the reporting year, as indicated in the

Compliance Checklist; (c) an identification, including page numbers and/or sections, of all revisions made to the SWPPP within the reporting year; and (d) the date(s) of the required Annual Evaluation. To date, the Discharger has failed to file Annual Reports for the fiscal year ending June 30, 2017.

*NOI Item 4. Failure to Follow Monitoring and Sampling Procedures Pursuant to the General Permit*

*NOI Item 4(a). Failure to Collect Samples from Four QSEs per Reporting Period*

*[Applicable to the following sites: Santa Ana, Chula Vista, Otay Mesa HMA, Big Rock, Bakersfield, Sanger, Carroll Canyon, San Bernardino, Corona, Oro Grande, Vulcan Palmdale, San Emidio, Friant Road, Saticoy Facility, Azusa Rock, Table Mountain, Landing Way Distribution Facility, Petaluma Plant, Ashlan HMA, Los Angeles HMA, Claremont, Wheeler Ridge, Simi Valley, Moorpark, Soledad Facility, and the Ellwood Plant Facility]*

Current General Permit, Order No. 2014-0057-DWQ (Effective 7/1/15)

The Discharger has failed to provide the RWQCB with the minimum number of annual documented results of facility run-off sampling as required under Sections XI.B.2 and XI.B.11.a of Order No. 2014-0057-DWQ, in violation of the General Permit and the CWA, for the reporting years 2015-16 and 2016-17.

Section XI.B.2 of the General Permit requires that all Dischargers collect and analyze storm water samples from two Qualifying Storm Events (“QSEs”) within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30).

Section XI.B.11.a requires Dischargers to submit all sampling and analytical results for all individual or Qualified Combined Samples via SMARTS within 30 days of obtaining all results for each sampling event.

Further, the Discharger has not applied for or received a No Exposure Certification (NEC) for the facility, pursuant to Section XVII, which provides as follows:



**XVII. CONDITIONAL EXCLUSION - NO EXPOSURE CERTIFICATION (NEC)**

**A.** Discharges composed entirely of storm water that has not been exposed to industrial activity are not industrial storm water discharges. Dischargers are conditionally excluded from complying with the SWPPP and monitoring requirements of this General Permit if all of the following conditions are met:

1. There is no exposure of Industrial Materials and Activities to rain, snow, snowmelt, and/or runoff;
2. All unauthorized NSWDS have been eliminated and all authorized NSWDS meet the conditions of Section IV;
3. The Discharger has certified and submitted via SMARTS PRDs for NEC coverage pursuant to the instructions in Section II.B.2; and,
4. The Discharger has satisfied all other requirements of this Section.

Section XI.B.4 of the General Permit requires Dischargers to collect samples from all discharge locations, regardless of whether the discharges are substantially similar. Dischargers may analyze a combined sample consisting of equal volumes, collected from as many as four substantially similar discharge locations, provided that the Discharger submits a Representative Sampling Reduction Justification form with its sample analysis, and the samples are combined in the lab in accordance with Section XI.C.5 of the General Permit. Furthermore, Representative sampling is only allowed for sheet flow discharges or discharges from drainage areas with multiple discharge locations.

Prior General Permit, Order 1997-03-DWQ (Effective until 06/30/15)

The Discharger has also failed to collect storm water run-off samples pursuant to Section B.5.a of the 1997 Industrial General Permit (for reporting years between 07/01/2011 and 06/30/2015), which provides as follows:

*5. Sampling and Analysis*

- a. Facility operators shall collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season. All storm water discharge locations shall be sampled. Sampling of stored or contained storm water shall occur at the time the stored or contained storm water is released. Facility operators that do not collect samples from the first storm event of the wet season are still required to collect samples from two other storm events of the wet season and shall explain in the Annual Report why the first storm event was not sampled.

The Discharger failed to collect two QSE samples annually from each drainage area at all discharge locations for the facilities, as listed in Exhibit A.

*NOI Item 4(b). Failure to Analyze Storm Water Samples for the Correct Parameters*

*[Applicable to the following sites: Santa Ana, Chula Vista]*

General Permit Sections XI.B.6.a and XI.B.6.b require all Dischargers to analyze for the following three parameters, regardless of facility type: pH, Total Suspended Solids (TSS) and Oil & Grease (O&G). These parameters typically provide indication and/or the correlation of whether other pollutants are present in storm water discharge.

In addition to those minimum parameters, businesses that operate under certain industrial activities (SIC Codes) are required by Section XI.B.6.d to test for additional parameters, pursuant to Table 1 (Additional Analytical Parameters) of the General Permit; and Section XI.B.6.f of the General Permit requires Dischargers to analyze all collected samples for any additional parameters required by the Regional Water Board.

The Discharger failed to test its storm water samples for all required parameters for the facilities, as listed in Exhibit A.

*NOI Item 5. Falsification of Annual Reports Submitted to the RWQCB*

*[Applicable to the following sites: Santa Ana, Chula Vista, Otay Mesa HMA, Big Rock, Bakersfield, Sanger, Carroll Canyon, San Bernardino, Corona, Oro Grande, Vulcan Palmdale, San Emidio, Friant Road, Saticoy Facility, Azusa Rock, Table Mountain, Ashlan HMA, Los Angeles HMA, Claremont, Wheeler Ridge, Simi Valley, and Moorepark Facilities]*

Section XXI.L of the General Permit, and Section C.10 of the 1997 General Permit provide as follows:

**L. Certification**

Any person signing, certifying, and submitting documents under Section XXI.K above shall make the following certification:

“I certify under penalty of law that this document and all Attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for

gathering the information, to the best of my knowledge and belief, the information submitted is, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Further, Section XXI.N of the General Permit and Section C.15.a of the 1997 General Permit provide as follows:

**N. Penalties for Falsification of Reports**

Clean Water Act section 309(c)(4) provides that any person that knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

The Discharger's Annual Reports for the Fiscal Years 2015-16 and 2016-2017 were signed under penalty of law by Cesar Aranda, the Water Resources Manager for the Discharger's owner and operator Vulcan Materials Company. Mr. Aranda is also the Legally Responsible Party for the facility as designated in the Discharger's Storm Water Pollution Prevention Plan (SWPPP).

The Annual Reports included Attachment 1 as an explanation for why the Discharger failed to sample the required number of Qualifying Storm Events during the reporting years for all discharge locations, in accordance with Section XI.B. Mr. Aranda certified in Attachment 1 to the Annual Report, under penalty of perjury, that during the respective reporting periods "**No Qualifying Storm Event occurred and/or discharge occurred outside of facility operating hours**".

Government records from the National Oceanic and Atmospheric Administration (NOAA) website/database confirm that during the fiscal years 2015-16 and 2016-2017, numerous Qualified Storm Events (QSEs) occurred near the Facility **during operating hours**. Further, none of the facilities had any closures during the relevant time period, and regular operating hours are Monday through Saturday.

It is undisputed that the 2015-16 and 2016-2017 fiscal years included many significant recorded rain events that qualified as official storm events pursuant to the General Permit. Notwithstanding that fact, the Discharger nevertheless asserted in its Annual Reports for the fiscal years 2015-16 and 2016-2017 that there were no QSEs during facility operating hours, while its local competitors had no issues with uploading the required number of sample tests during the same period in question. Mr. Aranda, as the Legally Responsible Party for the Discharger knew or should have known that the assertion that no QSEs occurred during the fiscal years 2015-16 and 2016-2017 was a false statement.



*NOI Item 6. Deficient BMP Implementation*

**[Applicable to the following sites: Santa Ana, Chula Vista, Big Rock, Bakersfield, Carroll Canyon, San Bernardino, Corona, San Emidio, Saticoy Facility, Azusa Rock, and Ashlan HMA Facilities]**

Sections I.C, V.A and X.C.1.b of the General Permit and Sections VIII and A.8 of the 1997 General Permit require Dischargers to identify and implement minimum and advanced Best Management Practices (“BMPs”) that comply with the Best Available Technology (“BAT”) and Best Conventional Pollutant Control Technology (“BCT”) requirements of the General Permit to reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.

The Discharger has violated and continues to violate the terms and conditions of the General Permit by failing to identify and/or implement minimum and/or advanced BMPs that utilize BAT and BCT to control the discharge of pollutants in storm water at the Facility.

*NOI Item 7. Failure to Follow SWPPP*

**[Applicable to the following sites: Santa Ana, Chula Vista, Otay Mesa HMA, Big Rock, Bakersfield, Sanger, Carroll Canyon, San Bernardino, Corona, Oro Grande, Vulcan Palmdale, San Emidio, Friant Road, Saticoy Facility, Azusa Rock, Table Mountain, Ashlan HMA, and Los Angeles HMA Facilities]**

Section 5.6.1 of the Facility SWPPP (Sampling Schedule) indicates that the facility shall collect and analyze storm water samples from 2 qualified storm events within the first half of each reporting year (July 1 to December 31) and 2 QSEs within the second half of each reporting year (January 1 to June 30). However, the Facility missed mandatory QSE samples during the reporting periods 2015-16 and 2016-17.

*NOI Item 8. Discharges in Violation of the General Permit*

**[Applicable to the following sites: Santa Ana, Chula Vista, Big Rock, Bakersfield, Carroll Canyon, San Bernardino, Corona, San Emidio, Saticoy Facility, Azusa Rock, and Ashlan HMA Facilities]**

Section 402(p) of the Clean Water Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit such as the General Permit. 33 U.S.C. § 1342. Sections I.C.27 and III.A and B of the General Permit prohibit the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either

directly or indirectly to waters of the United States. Section XXI.A of the General Permit requires Dischargers to comply with effluent standards or prohibitions established under section CWA 307(a) for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions.

Sections III and VI of the General Permit and Sections VII, VIII, C.1 and C.4 of the 1997 General Permit prohibit storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment; cause or threaten to cause pollution, contamination, or nuisance; cause or contribute to an exceedance of any applicable water quality standards in any affected receiving water; violate any discharge prohibitions contained in applicable Regional Water Board Water Quality Control Plans (Basin Plans) or statewide water quality control plans and policies; or contain hazardous substances equal to or in excess of a reportable quantity listed in 40 Code of Federal Regulations sections 110.6, 117.21, or 302.6.

The Discharger's sampling and analysis results reported to the RWQCB confirm discharges of specific pollutants and materials other than storm water, in violation of the General Permit provisions listed above. Self-monitoring reports under the General Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1492 (9th Cir. 1988).

Table 2 of the General Permit (TABLE 2: *Parameter NAL Values, Test Methods, and Reporting Units*) outlines specific Annual and Instantaneous Numeric Action Levels ("NALs") for common parameters. A copy of Table 2 is included with this Notice.

The Discharger's storm water analyses as summarized in Exhibit A contained levels for tested parameters in excess of Annual or Instantaneous NAL levels. The discharges of pollutants from the Facility have violated Discharge Prohibitions and Receiving Water Limitations of the General Permit and are evidence of ongoing violations of Effluent Limitations.

*NOI Item 9. Failure to Follow General Permit Procedures for Temporary Suspension of Facility*

*[Applicable to the following sites: Claremont, Wheeler Ridge, Simi Valley, Moorpark, Soledad Facility, Ellwood Plant, Romoland, and Black Angel Mine Facilities]*

Current General Permit, Order No. 2014-0057-DWQ (Effective 7/1/15)

The Discharger has failed to comply with Section X.H.3 of the 2014 General Permit (Temporary Suspension of Industrial Activities), which provides as follows:

“For facilities that plan to temporarily suspend industrial activities for ten (10) or more consecutive calendar days during a reporting year, the Discharger may also suspend monitoring if it is infeasible to conduct monitoring while industrial activities are suspended (e.g., the facility is not staffed, or the facility is remote or inaccessible) and the facility has been stabilized. The Discharger shall include in the SWPPP the BMPs necessary to achieve compliance with this General Permit during the temporary suspension of the industrial activity. Once all necessary BMPs have been implemented to stabilize the facility, the Discharger is not required to:

- a. Perform monthly visual observations (Section XI.A.1.a.); or,
- b. Perform sampling and analysis (Section XI.B.) if it is infeasible to do so (e.g. facility is remotely located). The Discharger shall upload via SMARTS (7) seven calendar days prior to the planned temporary suspension of industrial activities:
  - a. SWPPP revisions specifically addressing the facility stabilization BMPs;
  - b. The justification for why monitoring is infeasible at the facility during the period of temporary suspension of industrial activities;
  - c. The date the facility is fully stabilized for temporary suspension of industrial activities; and,
  - d. The projected date that industrial activities will resume at the facility.

Upon resumption of industrial activities at the facility, the Discharger shall, via SMARTS, confirm and/or update the date the facility’s industrial activities have resumed. At this time, the Discharger is required to resume all compliance activities under this General Permit.

The Regional Water Boards may review the submitted information pertaining to the temporary suspension of industrial activities. Upon review, the Regional Water Board may request revisions or reject the Discharger’s request to temporarily suspend monitoring.”

Prior General Permit, Order 1997-03-DWQ (Effective until 6/30/15)

Section VII.7 of the 1997 General Permit provides that where operations have discontinued and significant materials remain on site, landowners must continue to comply with the terms of the General Permit. Section VII.9 of the 1997 General Permit provides that Facility operators are responsible for continued compliance with the requirements of the General Permit until a Notice of Termination has been approved for the facility by the Regional Water Board.

Further, Sections A.2 and A.10.c and A.10.d of the 1997 General Permit require facility operators to update their SWPPP to reflect current conditions, especially to reflect changes in industrial operations, and further provides that the SWPPP amendments must be made within 90 days of the change in operations.

Section C.11 mandates that the facility operator give advance notice to the Regional Water Board and local storm water management agency of any planned changes at the permitted facility which may result in noncompliance with General Permit requirements.

The Discharger may have had other violations that can only be fully identified and documented once discovery and investigation have been completed. Hence, to the extent possible, CEPA includes such violations in this Notice and reserves the right to amend this Notice, if necessary, to include such further violations in future legal proceedings.

The violations discussed herein are derived from eye witness reports and records publicly available. These violations are continuing.

Information available to CEPA indicates the continuation of unlawful discharges of pollutants from the Facility into waters of the United States in violation of the General Permit and the CWA. CEPA is informed and believes, and on such information and belief alleges, that these illegal discharges will continue to harm beneficial uses of the receiving waters identified in Exhibit A, until the Discharger corrects the violations outlined in this Notice.

### **III. THE PERSON OR PERSONS RESPONSIBLE FOR THE VIOLATIONS**

The entity responsible for the alleged violations is CalMat Co., dba Vulcan Materials Company, Vulcan Materials Company, CalMat Co., dba Shamrock ("the Discharger"), including its parent companies, owners, operators and employees responsible for compliance with the CWA.

### **IV. THE LOCATION OF THE VIOLATIONS**

The location of the point sources from which the pollutants identified in this Notice are the respective CalMat Co., dba Vulcan Materials Company, Vulcan Materials Company, CalMat Co., dba Shamrock Facilities listed in Exhibit A.

**V. THE DATE, DATES, OR REASONABLE RANGE OF DATES OF THE VIOLATIONS**

The range of dates covered by this 60-day Notice is from at least January 1, 2013, to the date of this Notice, and includes alleged violations as far back as 07/13/1998. CEPA may from time to time update this Notice to include all violations which may occur after the range of dates covered by this Notice. Some of the violations are continuous in nature; therefore, each day constitutes a violation.

**VI. CONTACT INFORMATION**

The entity giving this 60-day Notice is the California Environmental Protection Association ("CEPA"). To ensure proper response to this Notice, all communications should be addressed as follows:

*Xhavin Sinha, Attorney for*  
*CALIFORNIA ENVIRONMENTAL PROTECTION ASSOCIATION*  
*1645 Willow Street, #150*  
*San Jose, CA 95125*  
*Telephone: (408) 791-0432*  
*Email: [xsinha@sinha-law.com](mailto:xsinha@sinha-law.com)*

**VII. PENALTIES**

The violations set forth in this Notice affect the health and enjoyment of members of CEPA who reside near and recreate in the watersheds listed in Exhibit A. Members of CEPA use the watersheds and the Bays for recreation, sports, fishing, swimming, hiking, photography, nature walks and the like. Their health, use and enjoyment of this natural resource is specifically impaired by the Discharger's violations of the CWA as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any "person," including individuals, corporations, or partnerships, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), §1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. §1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$37,500 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. See also 40 C.F.R. §§ 19.1-19.4.

CEPA believes this Notice sufficiently states grounds for filing suit in federal court under the "citizen suit" provisions of CWA to obtain the relief provided for under the law.

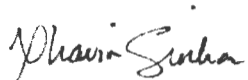


### **VIII. CONCLUSION**

The CWA specifically provides a 60-day notice period to promote resolution of disputes. CEPA encourages the Discharger and/or its counsel to contact CEPA or its counsel within 20 days of receipt of this Notice to initiate a discussion regarding the violations detailed herein.

During the 60-day notice period, CEPA is willing to discuss effective remedies for the violations, however, if the Discharger wishes to pursue such discussions in the absence of litigation, it is suggested those discussions be initiated soon so that they may be completed before the end of the 60-day notice period. CEPA reserves the right to file a lawsuit if discussions are continuing when the notice period ends.

Very truly yours,



Xhavin Sinha

Attorney for CALIFORNIA ENVIRONMENTAL PROTECTION ASSOCIATION

Enclosure:

Exhibit A – List of Facilities and Violations

TABLE 2 – Parameter NAL Values, Test Methods and Reporting Units

Copies to:

Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Jeff Sessions, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

**SINHA**  
**LAW**

60-Day Notice of Intent to Sue  
December 13, 2017  
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Regional Administrator  
U.S. EPA – Region 9  
75 Hawthorne Street  
San Francisco, CA, 94105

Executive Director  
North Coast Regional Water Quality Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403

Executive Director  
San Francisco Bay Regional Water Quality Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Executive Director  
Central Valley Regional Water Quality Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Executive Director  
Los Angeles Regional Water Quality Board  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Executive Director  
Lahontan Regional Water Quality Board  
Victorville Branch  
15095 Amargosa Road, Bldg 2, Suite 2100  
Victorville, CA 92394

Executive Director  
Santa Ana Regional Water Quality Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

Executive Director  
San Diego Regional Water Quality Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

**EXHIBIT A – List of Facilities and Violations**  
**60-Day Notice of Violations and Intent to Sue**

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Santa Ana</b> 1401 E Warner Ave Santa Ana CA 92705 Manager: Eddie Quinonez	2951 Asphalt Paving Mixtures	WDID 8 30I001335 Notice of Intent- 2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 03/07/92	Santiago Creek, Santa Ana River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  The Facility has been under the IGP since 1992 and the only storm water sample it has ever collected and analyzed was on 03/10/06.  Facility is missing two QSE samples for FY 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15; and 4 QSE samples for FY 2015-16 and 2016-17.
				4(b)	<u>Not Testing for Correct Parameters</u>  On 05/08/15, a Regional Board Inspector requested that the Facility begin testing for Total Petroleum Hydrocarbons, which has not occurred.
				5	<u>Falsifying Annual Report</u>  Various reasons were given by the Facility through the years for not uploading samples, including problems getting into the discharge outfall to take the tests, claims that the Facility closes during rain, then that there was not enough rain, then an older excuse was that all the floor drains were connected to an underground clarifier that discharged to the sewer so there was no sampling point. That was later debunked (discharge was found to be to the city storm drain system).  Annual Reports for FY 2015-16 and 2016-17 signed by Cesar Aranda indicate no samples were taken because there were insufficient QSEs. There were at least 10 QSEs during open hours per NOAA records during FY 2015-16 and FY 2016-2017.
				6	<u>Deficient BMPs</u>  Water Board inspection on 05/08/15 noted deficient BMP implementation in the liquid asphalt transferring area and in daily sweeping, and the Board issued a verbal warning.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP indicates: Storm water samples at each discharge location will be collected and analyzed from two (2) QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30). This did not occur for FY 2015-16 and FY 2016-17.
				8	<u>Discharges in Violation of Permit</u>  Test on 03/10/06 showed significant NAL exceedances of nitrates, TSS and Iron.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Chula Vista Plant</b> 2041 Heritage Rd Chula Vista CA 91913 Manager: John Atkins	1429 Crushed & Broken Stone, NEC	WDID 9 371023019 Notice of Intent-2014 Industrial General Permit filed 06/02/15 1997 Industrial General Permit NOI filed 02/11/11	Otay River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u> No storm water samples were collected during FY 2016-2017.
				4(b)	<u>Not Testing for Correct Parameters</u> Samples collected on 12/11/15, 12/22/15, 01/04/16 and 05/06/16 were not tested for pH.
				5	<u>Falsifying Annual Report</u> Annual Report signed by Cesar Aranda claims there were no Qualifying Storm Events (QSEs) during business hours during FY; however, NOAA historical rain data confirms between 10-15 QSEs in the area during FY 2016-2017, and significant rain events during business hours.
				6	<u>Deficient BMPs</u> Exceedances reflect lack of proper BMPs.
				7	<u>Failure to Follow SWPPP</u> Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
				8	<u>Discharges in Violation of Permit</u> Five tests were taken during FY 2015-2016; the first on 09/15/15, showed TSS at 340 mg/L.
<b>CalMat Co., dba Vulcan Otay Mesa HMA</b> 7522 Paseo De La Fuente San Diego CA 92154 Manager: Tom Lavera	SIC 2951 Asphalt Paving Mixtures	WDID 9 371022767 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 08/6/10	Chollas Creek, Pacific Ocean	4	<u>Failure to Collect Storm Water Samples Per the IGP</u> No storm water samples were collected during FY 2015-16 and FY 2016-2017.
				5	<u>Falsifying Annual Report</u> Annual Reports signed by Cesar Aranda claims there were no QSEs during business hours during either fiscal year; however, NOAA historical rain data confirms between 10-12 QSEs in the area during FY 2015-16, and between 8-12 for FY 2016-17, all during business hours.
				7	<u>Failure to Follow SWPPP</u> Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Big Rock</b> 0 Inter 155th Hwy 138 Los Angeles CA 90065 Manager: Rick Martinez	SIC Code 1442 Construction sand & gravel	WDID 6B19I021409 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 01/14/08	Big Rock Creek Watershed, Los Angeles River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility sampled only once during FY 2015-2016. No storm water samples were collected during FY 2016-2017.
				5	<u>Falsifying Annual Report</u>  Annual Reports for both FY 2015-2016 and FY 2016-2017 claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 6 QSEs in the area during FY 2015-2016; and at least 8-12 during FY 2016-2017.
				6	<u>Deficient BMPs</u>  Exceedances reflect lack of proper BMPs.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
				8	<u>Discharges in Violation of Permit</u>  TestAmerica Report from sample collected on 01/05/16 showed exceedances for Nitrites [1.2 mg/L] and TSS [780 mg/L], causing Facility to enter Level 1 status for both parameters. After entering Level 1 status, no more tests were taken.  NOTE: Enforcement action 01/21/16 for failure to submit annual report for FY 2014-2015 (submitted late).



Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Bakersfield</b> 8517 Panama Ln Bakersfield, CA 93311 Manager: Frank Parra	SIC 2951 Asphalt Paving Mixtures	WDID 5F15I019916 Notice of Intent- 2014 Industrial General Permit filed 06/02/15 1997 Industrial General Permit NOI filed 01/14/05	Mill Creek, Kern River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  No storm water samples were collected during FY 2015-16 or FY 2016-2017. No analytical reports uploaded since 2012. Facility is missing two QSE samples for FY 2012-13, 2013-14 and 2014-15 and 4 QSE samples for FY 2015-16 and 2016-17.
				5	<u>Falsifying Annual Report</u>  Annual Reports for both FY 2015-2016 and FY 2016-2017 claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 6 QSEs in the area during FY 2015-2016; and at least 10 during FY 2016-2017.
				6	<u>Deficient BMPs</u>  Exceedances reflect lack of proper BMPs.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
				8	<u>Discharges in Violation of Permit</u>  Violation letter dated 04/03/12 from Regional Water Board for 2010-2011 FY indicates exceedances of TSS. No storm water samples analyses were collected or uploaded after this.
<b>CalMat Co., dba Vulcan Sanger</b> 17041 E Kings Cyn Rd Sanger CA 93657 Manager: James O'Brien	SIC Codes 2951/1442 Asphalt Paving Mixtures Construction sand & gravel	WDID 5F10I019136 Notice of Intent- 2014 Industrial General Permit filed 6/10/15 1997 Industrial General Permit NOI filed 12/7/04	Kings River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  No storm water samples were collected during FY 2015-16 and FY 2016-2017 – Facility missing 4 QSEs during each FY.
				5	<u>Falsifying Annual Report</u>  FY 2016-2017 Annual Report signed by Cesar Aranda claims that there were no visual observations done because of personnel changes, and there were no QSEs for sampling. NOAA records indicate at least 12 good QSEs in the area during FY 2016-17.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Carroll Canyon Aggregates</b> 10051 Black Mtn Rd San Diego CA 92126 Manager: Gene Levell	SIC Codes 2951/1442 Asphalt Paving Mixtures/ Construction sand & gravel	WDID 9 371005218 Notice of Intent- 2014 Industrial General Permit filed 4/21/15 1997 Industrial General Permit NOI filed 4/9/92	Carroll Canyon Creek, San Diego River, Pacific Ocean	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Only one storm water sample was collected during FY 2015-16. No storm water samples were collected during FY 2016-2017.
				5	<u>Falsifying Annual Report</u>  Annual Reports for both FY 2015-2016 and FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 6 QSEs in the area during FY 2015-2016; and at least 9 during FY 2016-2017.
				6	<u>Deficient BMPs</u>  Exceedances reflect lack of proper BMPs.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
				8	<u>Discharges in Violation of Permit</u>  Facility entered Level 1 status on 07/01/16 for FY 2015-2016 exceedances in Nitrates for only one test (at 3 outfalls), taken 09/05/15. One of the outfalls also indicated TSS exceedance. No tests were taken since.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan San Bernardino</b> 2400 W Highland Ave San Bernardino CA 92401 Manager: Floyd Sibole	SIC Codes 2951/1442 Asphalt Paving Mixtures/ Construction sand & gravel	WDID 8 361001928 Notice of Intent- 2014 Industrial General Permit filed 6/2/15 1997 Industrial General Permit NOI filed 3/31/92	Lytle Creek, Santa Ana River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility missing 4 QSE samples for FY 2015-16 and FY 2016-17. No storm water samples were collected during those reporting periods.
				5	<u>Falsifying Annual Report</u>  Annual Reports for both FY 2015-2016 and FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 7 QSEs in the area during FY 2015-2016; and at least 10 during FY 2016-2017.
				6	<u>Deficient BMPs</u>  Discharges noted by Water Board reflect historical lack of proper BMPs.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
				8	<u>Discharges in Violation of Permit</u>  On July 13, 1998, the Facility was issued a formal Notice of Violation from the County Flood and Transportation District, in conjunction with the San Bernardino Regional Water Board for a massive and illegal discharge of heavily silted water from the Facility's process ponds that resulted in two accident reports and closure of the roads nearby (Highland Avenue). The Notice detailed that there had been serious issues at the Facility for years (dating back to 1994), attributable to lack of proper maintenance and BMPs.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Corona</b> 17900 Cajalco St Corona CA 91719 Manager: Paul Sibole	1442 Crushed Stone and 2951 Asphalt Paving Mixtures	WDID 8 33I001931 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 03/31/92	Temescal Creek, Santa Ana River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility missing 3 QSE samples for FY 2015-16 and 4 QSE samples for FY 2016-17.
				5	<u>Falsifying Annual Report</u>  Annual Reports for both FY 2015-2016 and FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 5 QSEs in the area during FY 2015-2016 and 11 during FY 2016-2017, many of which produced more rainfall than the QSE on 1/5/16, which the Facility did sample.
				6	<u>Deficient BMPs</u>  Discharges noted by Water Board reflect historical lack of proper BMPs.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
				8	<u>Discharges in Violation of Permit</u>  On April 12, 2002, inspectors from the Santa Ana Water Board visited the site and noted non-SW discharges into Temescal Creek from a leaking well water tank caused by a Vulcan excavator hitting a valve. that complaint makes reference to prior complaints. Inspectors also noted that large amounts of asphalt, aggregate and other materials stockpiled on the property had entered the Creek. Inspection also found that Vulcan had failed to apply for the proper streambed alteration agreement (1603 Permit).  Based on that inspection, as well as follow-up inspections, the Santa Ana Water Board asked the Riverside DA to file charges against Vulcan for unfair business practices (Business & Professions Code 17200), pollution into a stream and streambed alteration without a permit (Fish & Game Code 1603 and 5650 and Water Code 13376 and 13387).  On January 3, 2003, Vulcan entered into a Stipulated Judgment for violation of B&P 17206 and Fish & Game Code 5650, and were ordered to pay penalties and fines and submit a clean-up plan. On January 31, 2003, an inspection revealed that Vulcan had not fully complied with the plan.



Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Oro Grande</b> 20181 National Trails Hwy Oro Grande CA 92368 Manager: John Spear	2951 Asphalt Paving Mixtures	WDID 6B36I001337 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 03/27/92	Mojave River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility missing 4 QSE samples for FY 2015-16 and FY 2016-17. No storm water samples were collected during those reporting periods.
				5	<u>Falsifying Annual Report</u>  Annual Reports for both FY 2015-2016 and FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 6 QSEs in the area during FY 2015-2016; and at least 9 during FY 2016-2017.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
<b>CalMat Co., dba Vulcan Palmdale</b> 6851 E Avenue T Littlerock CA 93543 Manager: Tad Barnett	SIC Codes 2951/1442 Asphalt Paving/sand & gravel	WDID 6B19I002243 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 03/31/92	Littlerock Creek, Mojave River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility missing 4 QSE samples for FY 2015-16 and FY 2016-17. No storm water samples were collected during those reporting periods.
				5	<u>Falsifying Annual Report</u>  Annual Reports for both FY 2015-2016 and FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 6 QSEs in the area during FY 2015-2016; and at least 10 during FY 2016-2017.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.



Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan</b> <b>San Emidio</b> Highway 166 West of Old River Rd Bakersfield CA 93313 Manager: Tom Parkinson	SIC Codes 2951/1442 Asphalt/sand & gravel	WDID 5F15I009243 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 11/11/92	San Emidio Creek, Kern River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility missing 3 QSE samples for FY 2015-16 and 4 QSE samples for FY 2016-17. After entering Level 1 status, no further QSEs were sampled.
				5	<u>Falsifying Annual Report</u>  Annual Reports for both FY 2015-2016 and FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 7 QSEs in the area during FY 2015-2016; and at least 10 during FY 2016-2017.
				6	<u>Deficient BMPs</u>  Discharges noted by documents uploaded into SMARTS reflect historical lack of proper BMPs.
				7	<u>Failure to Follow SWP PP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
				8	<u>Discharges in Violation of Permit</u>  Facility entered Level 1 status as of 07/01/16 for TSS (instantaneous level of 410 mg/L on 1/5/16). Level 1 Report blames exceedance on sample error.
<b>CalMat Co., dba Vulcan</b> <b>Friant Road</b> 11599 Old Friant Rd Fresno CA 93720 Manager: Rob Pountney	SIC 1442 Construction sand & gravel	WDID 5F10I009244 Notice of Intent-2014 Industrial General Permit filed 06/02/15 1997 Industrial General Permit NOI filed 11/11/92	San Joaquin River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility missing 4 QSE samples for FY 2015-16 and FY 2016-17. No storm water samples were collected during those reporting periods.
				5	<u>Falsifying Annual Report</u>  Annual Reports for both FY 2015-2016 and FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 6 QSEs in the area during FY 2015-2016; and at least 10 during FY 2016-2017.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Saticoy Facility</b> 6029 Vineyard Ave Oxnard CA 93003 Manager: Jason Thompson	SIC Codes 2951/1442 Asphalt Paving/ sand & gravel	WDID 4 561005204 Notice of Intent- 2014 Industrial General Permit filed 06/10/15	Santa Clara River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility is missing 4 QSE samples for FY 2016-17.
				5	<u>Falsifying Annual Report</u>  Annual Report for FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 9 QSEs in the area during FY 2016-2017.
				6	<u>Deficient BMPs</u>  Discharges noted by documents uploaded into SMARTS reflect historical lack of proper BMPs.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
				8	<u>Discharges in Violation of General Permit</u>  Facility entered Level 1 status on 7/1/16 for pH.  <b>Note:</b> Facility was late filing its annual report for the 2013-14 FY. SWPPP updated in 2017 does not include Level 1 info in ERA history section.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Azusa Rock</b> 3901 Fish Canyon Rd Azusa California 91016 Manager: Mike Radford	SIC 1442 sand & gravel	WDID 4 19I002248 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 03/31/92	San Gabriel River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility is missing 3 QSE samples for FY 2015-16 and 4 QSE samples for FY 2016-17. No tests were taken after the Facility entered Level 1 status.
				5	<u>Falsifying Annual Report</u>  Annual Reports for FY 2015-16 and FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the years. NOAA records confirm at least 6 QSEs in the area during FY 2015-16 and 9 QSEs in the area during FY 2016-2017.
				6	<u>Deficient BMPs</u>  Discharges noted by documents uploaded into SMARTS reflect historical lack of proper BMPs.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
				8	<u>Discharges in Violation of General Permit</u>  Facility entered Level 1 status on 07/01/16 for TSS (instantaneous 940 mg/L on 1/6/16).
<b>Vulcan Materials Co., Table Mountain</b> 2216 Table Mountain Blvd Oroville CA 95965 Manager: Sean Borck	SIC 1429 Crushed & Broken Stone	WDID 5R04I021606 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 06/10/08	Gold Run Creek Lake Oroville Feather River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility is missing 4 QSE samples for FY 2015-16 and 4 QSE samples for FY 2016-17.
				5	<u>Falsifying Annual Report</u>  Annual Reports for FY 2015-16 and FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the years. NOAA records confirm at least 6 QSEs in the area during FY 2015-16 and 11 QSEs in the area during FY 2016-2017.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>Calmat Co., dba Shamrock Landing Way Distribution Facility</b> 210 Landing Way Petaluma, CA 94952 Manager: Joe Dixon	SIC Code 1442 Construction sand & gravel	WDID 2 49I027341 Notice of Intent- 2014 Industrial General Permit filed 9/13/17	Petaluma River	1	<u>Untimely Permit Application.</u> Vulcan (CalMat Co.) failed to apply for a permit from 03/20/17 through 09/13/17.
				2	<u>Late SWPPP:</u> The Facility's SWPPP was not prepared and uploaded into SMARTS until 09/13/17.
				3	<u>No Annual Report:</u> The Facility did not file an Annual Report for the FY 2016-17.
				4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Missing 3 storm water samples from Fiscal Year 2015-16, and 3 from Fiscal year 2016-17.
<b>Calmat Co., dba Shamrock Petaluma Plant</b> 400 Hopper Petaluma, CA 94952 Manager: Donlad Powell	SIC Code 3273 Ready Mix Concrete	WDID 2 49I027340 Notice of Intent- 2014 Industrial General Permit filed 9/13/17	Petaluma River	1	<u>Untimely Permit Application.</u> Vulcan (CalMat Co.) failed to apply for a permit from 03/20/17 through 09/13/17.
				2	<u>Late SWPPP:</u> The Facility's SWPPP was not prepared and uploaded into SMARTS until 09/13/17.
				3	<u>No Annual Report:</u> The Facility did not file an Annual Report for the FY 2016-17.
				4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  No storm water samples were collected during Fiscal Years 2015-16 and 2016-2017.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>Vulcan Materials Ashlan HMA</b> 3570 W Ashlan Ave Fresno California 93722 Manager: Mike Davis	SIC 2951 Asphalt Paving	WDID 5F10I024770 Notice of Intent-2014 Industrial General Permit filed 06/22/15 1997 Industrial General Permit NOI filed 04/01/14	San Joaquin River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Missing one storm water samples during the first half of FY 2016-2017.
				4(b)	<u>Not Testing for Correct Parameters</u>  The storm water sample collected on 01/03/16 was not tested for TSS.
				5	<u>Falsifying Annual Report</u>  Annual Report for FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 11 QSEs in the area during FY 2016-2017.
				6	<u>Deficient BMPs</u>  Exceedances reflect lack of proper BMPs.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs and sampling for correct parameters.
				8	<u>Discharges in Violation of Permit</u>  Facility entered Level 1 status on 7/1/16 for FY 2015-2016 average exceedances of TSS. (Tests taken 12/11/15: TSS 240 mg/L, 01/16/16 TSS 200 mg/L).  Facility entered Level 2 status on 7/1/17 for FY 2016-2017 average and instantaneous exceedances of TSS. (Tests taken 12/15/16: TSS 110 mg/L, 01/12/17 TSS 300 mg/L, 02/17/16 TSS 680 mg/L),



Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Los Angeles HMA</b> 2715 E Washington Blvd Los Angeles CA 90023 Manager: Luiz Guzman	SIC 2951 Asphalt Paving Mixtures	WDID 4 19I001338 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 03/27/92	Los Angeles River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  Facility is missing 3 QSE samples for FY 2016-17.
				5	<u>Falsifying Annual Report</u>  Annual Report for FY 2016-2017 signed by Cesar Aranda claimed required number of samples were not collected due to insufficient QSEs during the year. NOAA records confirm at least 9 QSEs in the area during FY 2016-2017.
				7	<u>Failure to Follow SWPPP</u>  Section 5.6.1 of the Facility SWPPP re: sampling 4 QSEs.
<b>CalMat Co., dba Vulcan Claremont</b> 4711 Huntington Dr Montclair CA 91763 Manager: Mike Murray	SIC 2951 Asphalt Paving Mixtures	WDID 8 36I001976 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 03/30/92	Chino Creek, Santa Ana River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  This Facility has not collected and sampled its storm water runoff since at least 2010. Site is missing 2 QSE sample analyses from FY 2010-11.
				5	<u>Falsifying Annual Report</u>  Annual Report for FY 2010-2011 claimed required number of samples were not collected because "rain event did not occur during scheduled facility operating hours." NOAA records confirm at least 8 QSEs in the area within operating hours during FY 2010-2011.
				9	<u>Failure to Follow IGP Procedures for Temp Suspensions</u>  Facility's Annual Report for FY 2011-12 indicates the Facility is in temporary suspension as of at least July of 2011. However, SWPPP revision addressing temporary suspension was not uploaded until 06/30/15.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Wheeler Ridge</b> 4501 Sabondan Mettler CA 93301 Manager: Tom Parkinson	SIC Codes 2951/1442 Asphalt Paving/ sand & gravel	WDID 5F15I014594 Notice of Intent- 2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 09/16/98	Mill Creek, Kern River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  This Facility has not collected and sampled its storm water runoff since at least 2014. Site is missing 2 QSE sample analyses from FY 2014-15, 4 QSE samples from FY 2015-16 and 4 QSE samples from FY 2016-17.
				5	<u>Falsifying Annual Report</u>  Annual Report for FY 2014-2015 signed by Frank Parra claimed required number of samples were not collected because "rain event did not occur during scheduled facility operating hours." Annual Report for FY 2015-2016 signed by Cesar Aranda "QSE did not occur during the reporting period."  NOAA records confirm more than 8 QSEs in the area within operating hours during FY 2014-2015, FY 2015-16 and FY 2016-17.
				9	<u>Failure to Follow IGP Procedures for Temp Suspensions:</u>  Facility's Annual Report for FY 2016-17 indicates the Facility is in temporary suspension as of at least July 15, 2017. However, the most recent SWPPP uploaded into SMARTS on 07-25-17 did not contain any information about the temporary suspension.
<b>CalMat Co., dba Vulcan Simi Valley</b> 5596 Bennett Rd Simi Valley CA 93063 Manager: Jason Thompson	SIC 2951 Asphalt Paving Mixtures	WDID 4 56I014592 Notice of Intent- 2014 Industrial General Permit filed 6/29/15 1997 Industrial General Permit NOI filed 9/16/98	Tapo Creek Arroyo Simi Ventura River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  This Facility has not collected and sampled its storm water runoff since at least 2009. Site is missing 2 QSE sample analyses from FY 2009-10 and 2010-11.
				9	<u>Failure to Follow IGP Procedures for Temp Suspensions</u>  Facility's Annual Report for FY 2011-12 indicates the Facility is in temporary suspension as of at least July of 2011. However, SWPPP revision addressing temporary suspension was not uploaded until 06/29/15.

Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Moorpark</b> 750 E Los Angeles Ave Moorpark CA 93021 Manager: Gary Goellner	SIC 3273 Concrete Ready-Mix	WDID 4 561001926 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 03/31/92	Calleguas Creek Malibu Creek Los Angeles River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  This Facility has not collected and sampled its storm water runoff since at least 2011. Site is missing 2 QSE sample analyses from FY 2011-12.
				5	<u>Falsifying Annual Report</u>  Annual Report for FY 2011-2012 signed by Jerry Bohannon and Annual Report for FY 2012-13 signed by Charles St. John both claimed required number of samples were not collected because "rain event did not occur during scheduled facility operating hours." NOAA records confirm more than 8 QSEs in the area within operating hours during FY 2011-2012 and FY 2012-13.
				9	<u>Failure to Follow IGP Procedures for Temp Suspensions</u>  Facility's Annual Report for FY 2013-14 indicates the Facility is in temporary suspension as of at least July of 2013. However, SWPPP revision addressing temporary suspension was not uploaded until 06/29/15.
<b>CalMat Co., dba Vulcan Soledad Facility</b> 13900 Lang Station Rd Canyon Country CA 91387 Manager: Rick Martinez	SIC Codes 2951/1442 Asphalt/sand & gravel	WDID 4 191014593 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 09/16/98	Santa Clara River	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  This Facility has not collected, and sampled its storm water runoff since at least 2008. On 01-13-11, the LA Regional Water Board sent the Facility a letter challenging the Facility's Annual Report filed for FY 2008-2009, which indicated the Facility did not sample because it did not rain during business hours or that there was not enough rain to sample. The letter indicated that Regional Board staff checked the records of the nearest rain gauge to the Facility, and the rainfall amount recorded at this rain gauge for the 2008/09 rainy season showed sufficient rainfall that the required storm water samples could have been collected. The Board requested an explanation for the Facility's failure to collect samples, analyze and report the data per the General Permit. The Facility did not provide an explanation to the Water Board. Instead, the Facility ostensibly went into "temporary suspension" soon after the letter was received.  The Facility has failed to collect 2 storm water run-off samples for the fiscal years 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014 and 2014-2015, in violation of the 1997 General Permit.
				9	<u>Failure to Follow IGP Procedures for Temp Suspensions</u>  Facility's Annual Report for FY 2011-12 indicates the Facility went into temporary suspension in early 2011. However, SWPPP revision addressing temporary suspension was not uploaded until 06/30/15.



Facility Name, Address and Manager	Facility Type	WDID/Notice of Intent for Permit INFO	Affected Waters	NOI Item #	CWA/General Permit Violations
<b>CalMat Co., dba Vulcan Ellwood Plant</b> 55 Ellwood Station Rd Goleta CA 93017 Manager: Jeff Pollard	SIC 3273 Concrete Ready-Mix	WDID 3 42I001927 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 03/31/92	Devereaux Creek Atascadero Creek Pacific Ocean	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  This Facility has not collected and sampled its storm water runoff since at least 2008 and is missing 2 QSE samples from FY 2008-9 and 2009-10.
				9	<u>Failure to Follow IGP Procedures for Temp Suspensions</u>  Facility's Annual Report for FY 2010-2011 indicates the Facility went into temporary suspension as of at least November 2010. However, SWPPP revision addressing temporary suspension was not uploaded until 6/30/15.
<b>CalMat Co., dba Vulcan Romoland Facility</b> 26100 Antelope Road Sun City CA 92585 Manager: Tom Lavera	SIC 2951 Asphalt Paving Mixtures	WDID 8 33I012287 Notice of Intent-2014 Industrial General Permit filed 06/10/15 1997 Industrial General Permit NOI filed 04/16/08	San Jacinto Creek Salt Creek	4	<u>Failure to Collect Storm Water Samples Per the IGP</u>  This Facility has not collected and sampled its storm water runoff since at least 2011 and is missing 2 QSE samples from FY 2011-12, 2012-13 and 2013-14.
				9	<u>Failure to Follow IGP Procedures for Temp Suspensions</u>  Facility's Annual Report for FY 2015-2016 indicates the Facility went into temporary suspension during 2015, which was confirmed to be on 9/1/15 by the Facility SWPPP. However, SWPPP revision addressing temporary suspension was not uploaded until 7/25/15.
<b>Vulcan Materials Co., Black Angel Mine</b> 27300 Hodge Rd Barstow CA 92342 Manager: Floyd Sibole	SIC 1442 Sand & Gravel mine	WDID 6B36I021680 Notice of Intent-2014 Industrial General Permit filed 05/21/15 1997 Industrial General Permit NOI filed 07/5/08	Mohave River	9	<u>Failure to Follow IGP Procedures for Temp Suspensions</u>  Facility's Annual Report for FY 2015-2016 indicates the Facility went into temporary suspension in 2015, later confirmed by SWPPP to be 12/31/15 or earlier. However, SWPPP revision addressing temporary suspension was not uploaded until 7/25/17.

**TABLE 2: Parameter NAL Values, Test Methods, and Reporting Units**

PARAMETER	TEST METHOD	REPORTING UNITS	ANNUAL NAL	INSTANTANEOUS MAXIMUM NAL
pH*	See Section XI.C.2	pH units	N/A	Less than 6.0 Greater than 9.0
Suspended Solids (TSS)*, Total	SM 2540-D	mg/L	100	400
Oil & Grease (O&G)*, Total	EPA 1664A	mg/L	15	25
Zinc, Total (H)	EPA 200.8	mg/L	0.26**	
Copper, Total (H)	EPA 200.8	mg/L	0.0332**	
Cyanide, Total	SM 4500-CN C, D, or E	mg/L	0.022	
Lead, Total (H)	EPA 200.8	mg/L	0.262**	
Chemical Oxygen Demand (COD)	SM 5220C	mg/L	120	
Aluminum, Total	EPA 200.8	mg/L	0.75	
Iron, Total	EPA 200.7	mg/L	1.0	
Nitrate + Nitrite Nitrogen	SM 4500-NO3- E	mg/L as N	0.68	
Total Phosphorus	SM 4500-P B+E	mg/L as P	2.0	
Ammonia (as N)	SM 4500-NH3 B+ C or E	mg/L	2.14	
Magnesium, total	EPA 200.7	mg/L	0.064	
Arsenic, Total (c)	EPA 200.8	mg/L	0.15	
Cadmium, Total (H)	EPA 200.8	mg/L	0.0053**	
Nickel, Total (H)	EPA 200.8	mg/l	1.02**	
Mercury, Total	EPA 245.1	mg/L	0.0014	
Selenium, Total	EPA 200.8	mg/L	0.005	
Silver, Total (H)	EPA 200.8	mg/L	0.0183**	
Biochemical Oxygen Demand (BOD)	SM 5210B	mg/L	30	

SM – Standard Methods for the Examination of Water and Wastewater, 18<sup>th</sup> edition

EPA – U.S. EPA test methods

(H) – Hardness dependent

\* Minimum parameters required by this General Permit

\*\*The NAL is the highest value used by U.S. EPA based on their hardness table in the 2008 MSGP.